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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILED - 4/13/06

UNITED STATES OF AMERICA,) No. CR 06-00054-RMW
Plaintiff,)
v.) STIPULATION REGARDING
JOSE SOLER,) EXCLUDABLE TIME AND ORDER
a/k/a antboogie,)
a/k/a Jas125,)
Defendant.)

It is hereby stipulated and agreed between defendant Jose Soler, and his counsel N.A.

Christensen, Jr., and the United States as follows:

22 This matter was set for a status conference on April 10, 2006 at 9:00 a.m. In this copyright
23 infringement case, the defense needs more time to prepare, review discovery previously
24 provided, including a substantial amount of digital evidence, and research legal and sentencing
25 issues. The parties have also been discussing plea and sentencing issues. The defendant was
26 recently arraigned on this case on February 22, 2006. It is reasonable for the defense to have
27 additional time to review the discovery, which includes digital evidence.

**STIPULATION REGARDING EXCLUDABLE TIME AND ORDER
CR 06-00054-RMW**

1 The parties stipulate and move the Court to exclude time under the Speedy Trial Act from the
2 April 10, 2006, until May 8, 2006, because the parties believe that the ends of justice served by
3 the granting of such a continuance outweigh the best interests of the public and the defendant in a
4 speedy trial, particularly since reasonable time is needed for the defense to prepare for pretrial
5 and trial matters, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii). The parties further
6 stipulate that time may be excluded for reasonable time for defense preparation, since the failure
7 to exclude time would deny counsel for the defendant reasonable time necessary for effective
8 preparation, taking into account the exercise of due diligence, and for continuity of counsel,
9 pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(iv).

10 So stipulated.

11 Dated: April 7, 2006

KEVIN V. RYAN
United States Attorney

/s/

MARK L. KROTKOSKI
Assistant United States Attorney

15 So stipulated.

16 Dated: April 7, 2006

/s/

N.A. CHRISTENSEN, JR.
Attorney for Defendant Templeton

ORDER

Based upon the foregoing Stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED that the status conference set for April 10, 2006 at 9:00 a.m.

for defendant Soler shall be continued to May 8, 2006 at 9:00 a.m.

IT IS FURTHER ORDERED that the time between April 10, 2006, until May 8, 2006 shall be excluded from the computation period within which the trial must commence, for the reasons set forth above and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation.. The Court finds that the ends of justice weigh the interests of the public and the parties in a speedier trial under 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii) (complexity), 3161(h)(8)(B)(iv) (reasonable time necessary for effective preparation taking into account the exercise of due diligence).

DATED: April 13, 2006

/s/ Ronald M. Whyte

RONALD M. WHYTE
United States District Judge